

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANK NELLOM : CIVIL ACTION  
FRANK NELLOM AND COMPANY :  
v. :  
WILLIAM F. WARD, et al. : NO. 07-3162

M E M O R A N D U M

SURRICK, J.

OCTOBER 11, 2007

Plaintiff, an inmate, is seeking to bring a pro se 42 U.S.C. § 1983 civil rights action without prepayment of fees. He alleges that the defendants subjected him to a review process which violated his constitutional rights.

\_\_\_\_ Pursuant to 28 U.S.C. § 1915(g), a prisoner who on three or more prior occasions while incarcerated has filed an action in a federal court that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, must be denied in forma pauperis status unless he is in imminent danger of serious physical injury at the time that the complaint is filed. Abdul-Akbar v. McKelvie, 239 F.3d 307 (3d Cir.), cert. denied, 533 U.S. 953 (2001).

Plaintiff has, prior to the instant action, filed three civil actions in a federal court which were dismissed as frivolous or for failure to state a claim upon which relief may be granted.<sup>1</sup>

---

<sup>1</sup> The three civil actions filed by plaintiff were as follows: 1) Civil Action No. 06-2354 was dismissed by Order of this Court dated August 31, 2007; 2) Civil Action No. 02-2190 was dismissed by Order of this Court dated March 18, 2004, and 3) the United States Court of Appeals for the Third Circuit, in Case No. 04-2036, dismissed plaintiff's appeal of Civil Action No. 02-

Furthermore, nothing in this complaint suggests that plaintiff is in imminent danger of serious physical injury. Accordingly, plaintiff's motion to proceed in forma pauperis will be denied.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANK NELLOM : CIVIL ACTION  
FRANK NELLOM AND COMPANY :  
v. :  
WILLIAM F. WARD, et al. : NO. 07-3162

O R D E R

AND NOW, this 11<sup>th</sup> day of October, 2007, in accordance with the accompanying memorandum, **IT IS ORDERED** that plaintiff's motion for leave to proceed in forma pauperis is **DENIED** pursuant to 28 U.S.C. § 1915(g).

BY THE COURT:

/s/ R. BARCLAY SURREICK, J.